

|   |                  |   |   |  |  |   |   |                      |  |
|---|------------------|---|---|--|--|---|---|----------------------|--|
| CRIMINAL DOCKET U.S. District Court<br>Case 93-00313-ID-WC  |                  |   |   |  |  | Document 82 Filed 03/12/2008  | Page 1 of 11 Docket No. Def.  |                      |  |
| PO  | 1127             | 2   | WHIT  | VS.  | KNOXVILLE, TENNESSEE, U.S.A.   |   |   |                      |  |
| Misd.   |                  | 2709  |   | JUVENILE   | KNIGHT, MARCUS CERVANTES   |   |   |                      |  |
| Felony  | X                | Disp. Sentence  | 2709  | ALIAS  |  |   |   |                      |  |
| OFFENSE ON INDEX CARD   |                  |   |   |  |  | Case Filed<br>Mo Day  | No. of<br>Def's U.S. MAG.<br>CASE NO. ▶ 93-0110M-01   |                      |  |
| U.S. TITLE/SECTION  |                  |   |   |  |  | OFFENSES CHARGED  | ORIGINAL COUNTS   |                      |  |
| 18/924(c)(1) Use of a firearm during & in relation to commission of a drug trafficking crime (Ct. 4)  |                  |   |   |  |  | 1   | DISM. □ NG X GUILTY<br>HOLD   |                      |  |
| 18/922(g)(1) Possession of firearms after having been convicted of a felony (Ct. 5)   |                  |   |   |  |  | 1   | □ □ □ □ □ □   |                      |  |
| 21/841(a)(1) Distribution of a Schedule II Controlled Substance - cocaine base (Cts. 1,2,3)   |                  |   |   |  |  | 3   | □ □ □ □ □ □   |                      |  |
| INTERVAL ONE  |                  |   |   |  |  | SUPERSEDING COUNTS  |   |                      |  |
| KEY DATE<br>► 10-16-93  |                  | arrest<br>sum'n's<br>custody<br>appears on<br>complaint | END ONE AND/OR BEGIN TWO (OR RESTART PERIOD TO TRIAL)<br>KEY DATE<br>► 11-16-93 |  | Indictment<br>filed/unsealed<br>consent to Magr.<br>trial on complaint<br>Information<br>Felony-W/waiver | KEY DATE<br>-<br>a) 1st appears on pending charge /R40<br>b) Receive file R20/21<br>c) Supsdg. Ind 1 Inf<br>d) Order New trial<br>e) Remand f) LG/P Withdrawn |   |                      |  |
| EARLIEST OF   |                  |   |   |  |  | END INTERVAL TWO<br>KEY DATE<br>► 1-24-94   |   |                      |  |
| APPLICABLE  |                  | APPLICABLE  |   | APPLICABLE   |  | Dismissal<br>Pled guilty<br>Nolo<br>After N.G.<br>After nolo<br>Trial (voir dire) began<br>Jury □ N.J.  |   |                      |  |
| 1st appears with or<br>waives counsel   |                  | ARRAIGNMENT<br>11-30-93                                 | 1st Trial Ended   | RE-<br>TRIAL   | 2nd Trial Began  | DISPOSITION DATE<br>1-27-94   | SENTENCE DATE<br>4-12-94  | PTD<br>None<br>Pros. | FINAL CHARGES DISMISSED<br>on def motion<br>on S.T. grounds<br>W.P. WOP<br>on gov't motion |
| III. MAGISTRATE   |                  |   |   |  |  | INITIAL/NO.<br>27BB   | OUTCOME:<br>X HELD FOR GJ OR OTHER PROCEEDING IN THIS DISTRICT<br>HELD FOR GJ OR OTHER PROCEEDING IN DISTRICT BELOW |                      |  |
| Search Warrant  | Issued<br>Return | DATE  | INITIAL/NO.   | INITIAL APPEARANCE DATE ► 10/18/93                     | PRELIMINARY EXAMINATION<br>Date Scheduled ►  | INITIAL/NO.<br>27BB   |   |                      |  |
| Summons   | Issued<br>Served |   |   | OR<br>REMOVAL<br>OR<br>HEARING<br>Date Held ► 10/19/93 | Date Held ► 10/19/93   | 27BB  |   |                      |  |
| Arrest Warrant Issued   |                  |   |   | WAIVED<br>NOT WAIVED                                   | Tape Number  |   |   |                      |  |
| COMPLAINT ►   | 10/16/93         | 27BB  |   | INTERVENING INDICTMENT                                 |  |   |   |                      |  |
| Date of Arrest  | 10/16/93         | OFFENSE (In Complaint)<br>841(a)(1)                     | possession w/ intention to distribute cocaine base. 21 USC                      |  |  |   |   |                      |  |
| Show last names and suffix numbers of other defendants on same indictment/information:  |                  |   |   |  |  |   |   |                      |  |
| ATTORNEYS<br>U.S. Attorney or Asst. Redding Pitt,<br>James E. Wilson U.S. Attorney<br>R. Randolph Neeley, Asst. U.S. Attorney                   |                  |   |   |  |  | RULE<br>20 21 40 In Our   |   |                      |  |
| Defense: 1 X JA. 2 □ Ret. 3 □ Waived. 4 □ Self. 5 □ Non / Other. 6 □ PD. 7 □ CD   |                  |   |   |  |  | BAIL • RELEASE<br>PRE-INDICTMENT  |   |                      |  |
| Hon. Allen R. Stoner<br>P.O. Box 64<br>Montgomery, AL 36101<br>205/262-1911 per 11/29/93 order  |                  |   |   |  |  | Release Date<br>Bail Denied<br>Fugitive<br>Pers. Rec.<br>PSA<br>Conditions  |   |                      |  |
| Keith Auburn<br>Suite 208 & 209<br>217 South Court Street<br>Montgomery, AL 36104<br>264-9333   |                  |   |   |  |  | \$<br>Date Set<br>10% Dep.<br>Surety Bnd<br>Collateral<br>3rd Ptry<br>Other   |   |                      |  |
| Allen R. Stoner<br>P.O. Box 64<br>Montgomery, AL 36101<br>205/262-1911<br>Reappointed 1/5/94  |                  |   |   |  |  | AMOUNT SET<br>Date Set<br>Bail Not Made<br>Date Bond Made   |   |                      |  |
| retained counsel for 2255:<br>Susan James, Esquire<br>600 South McDonough St.<br>Montgomery, AL 36104<br>(334) 269-3330<br>(4/17/97 - retained) |                  |   |   |  |  | POST-INDICTMENT   |   |                      |  |
| Defendant's address:<br>Reg. No. 09190-002<br>Sigma Unit<br>Box P.M.B. 1000<br>Talladega, AL 35160-8799   |                  |   |   |  |  | Release Date<br>Bail Denied<br>Fugitive<br>Pers. Rec.<br>PSA<br>Conditions<br>10% Dep.<br>Surety Bnd<br>Collateral<br>3rd Ptry<br>Other                       |   |                      |  |
| FINE AND RESTITUTION PAYMENTS   |                  |   |   |  |  | Docket Entries Begin On Reverse Side<br>X   |   |                      |  |
| DATE  | RECEIPT NUMBER   | C.D. NUMBER   | DATE  | RECEIPT NUMBER   | C.D. NUMBER  | APPEALS FEE PAYMENTS<br>6/9/00 \$105.00   |   |                      |  |

| DATE<br>DOCUMENT NO. | Docket No.<br>93 00313 01<br>Marcus Knight | MASTER DOCUMENT NUMBER<br>DEFENDANT DOCKET<br>PROCEEDINGS DOCKET FOR SINGLE DEFENDANT  | PAGE 1 OF 1          | Ltr<br>Code | Total<br>Days |
|----------------------|--|--|----------------------|-------------|---------------|
| 1993                 | (OPTIONAL) Show last names of defendants   | V. PROCEEDINGS   |                      |             |               |
| 10/16                | 1  | Criminal complaint and affidavit.  |                      |             |               |
| 10/18                |  | <b>INITIAL APPEARANCE.</b>   |                      |             |               |
| 10/18                | 2  | Courtroom deputy's minutes of initial appearance.  |                      |             |               |
| 10/18                | 3  | Government's motion for detention hearing.   | 10/18/93<br>10/18/93 | F           | 1             |
| 10/18                | 4  | CJA 23.  |                      |             |               |
| 10/18                | 5  | Magistrate Judge Carroll's ORDER of temporary detention pending hearing set for 10/19/93 at 3:00 P.M. Preliminary hearing also set for same date and time.   |                      |             |               |
| 10/18                | 6  | CJA 20.  |                      |             |               |
| 10/19                |  | <b>DETENTION AND PRELIMINARY HEARINGS.</b>   | 10/19/93<br>10/19/93 | F           | 1             |
| 10/19                | 7  | Courtroom deputy's minutes of detention and preliminary hearings.  |                      |             |               |
| 10/21                | 8  | Magistrate Judge Carroll's ORDER detaining the defendant pending trial.  |                      |             |               |
| 10/21                | 9  | Magistrate Judge Carroll's ORDER binding the defendant over to the district court for further proceedings.   |                      |             |               |
| 10/21                |  | File referred to clerk's office.   |                      |             |               |
| 11-16-93             | 10   | INDICTMENT.  |                      |             |               |
| 11-17-93             | 11   | Magistrate Judge McPherson's ORDER to produce prisoner for arraignment set for 11-30-93 at 10 a.m., 2nd floor. (Copy furn. USA, USPO, USPTS, USM.)   |                      |             |               |
| 11-23-93             | 12   | <b>ARRAIGNMENT NOTICE.</b> (11/30/93 at 10:00 a.m., 2nd floor courtroom, Montgomery, AL.)  |                      |             |               |
| 11-24-93             | 13   | Motion of Allen R. Stoner to withdraw and submission of attorney's fee voucher. Referred to Magistrate Judge McPherson. <b>MOTION GRANTED 11/29/93.</b> (Copies furnished to USA, PO, PTSO, USM; mailed to Allen R. Stoner & Keith Ausborn; furnished to defendant.)   | 11/24/93<br>11/29/93 | F           | 6             |
| 11-30-93             |  | <b>ARRAIGNMENT.</b> Defendant appeared before Magistrate Judge McPherson with retained counsel and after having been advised of his rights, entered a plea of NOT GUILTY to all counts of the Indictment. Trial set for 1/24/94 term before Judge DeMent.  | 11-30-93<br>11-30-93 | F           | 1             |
| 12-2-93              | 14   | Magistrate Judge McPherson's ORDER allowing defendant 10 days from this date to file pretrial motions; directing the government to file written responses to all contested pretrial motions or discovery within 10 days of the date the motion is filed; that this case is currently set for trial during the 1/24/94 trial term. (Copies furnished to USA & PTSO; mailed to remaining counsel.) |                      |             |               |

UNITED STATES DISTRICT COURT  
CRIMINAL DOCKET

U.S. vs

KNIGHT, MARCUS CERVANTES

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| DATE     | PROCEEDINGS (continued)<br>(Document No.)  | V. EXCLUDABLE DELAY |     |     |     |
|----------|--|---------------------|-----|-----|-----|
|          |  | (a)                 | (b) | (c) | (d) |
| 12-2-93  | 15 Notice of appearance of Attorney Keith Ausborn and withdrawal (Attorney Stoner.) Referred to Magistrate Judge McPherson.  |                     |     |     |     |
| 12-2-93  | 16 Defendant's <b>motion</b> for disclosure and production. Referred to Magistrate Judge McPherson. <b>granted/DENIED 12/13/93</b>   | 12-2-93             |     |     |     |
| 12-2-93  | 17 Defendant's <b>motion</b> to suppress. Referred to Judge DeMent. <b>DENIED 12/29/93</b>   | 12-2-93             |     |     |     |
| 12-2-93  | 18 Defendant's <b>motion</b> extending time to file motions. Referred to Magistrate Judge McPherson. <b>M/DENIED 12/13/93.</b> Copies furnished to USA, PTSO; mailed to counsel.   | 12-2-93             |     |     |     |
| 12-2-93  | 19 Defendant's <b>motion</b> and memorandum for list of Government witnesses. Referred to Magistrate Judge McPherson. <b>GRANTED/DENIED 12/13/93</b>   |                     |     |     |     |
| 12-7-93  | 20 TRIAL NOTICE [1-24-94].   |                     |     |     |     |
| 12-8-93  | 21 ORDER directing parties to file original and one copy of any requested voir dire or jury instructions no later than 1-18-94. (Copies mailed to counsel; furnished to USA, USPTS & Ridge.)   |                     |     |     |     |
| 12-8-93  | 22 ORDER directing government to show cause no later than 12-20-93 why motion to suppress should not be granted. (Copies mailed to counsel; furnished to USA, USPTS & Ridge.)  |                     |     |     |     |
| 12-13-93 | 23 Magistrate Judge McPherson's DISCOVERY ORDER that the government review and evaluate all evidence in its possession relating to this matter and respond to defendant's discovery requests (Doc #16 and 19) within 10 days of the date of this order; that (1) the motions referenced in this order are hereby GRANTED to the extent that they seek discovery of matter specified in Rule 16, FRCrP and (2) discovery of exculpatory material which the Constitution requires be disclosed; that except as provided herein the motions are otherwise DENIED without prejudice to the filing of a motion to compel. (Copies furnished to USA, PTSO; mailed to counsel.) |                     |     |     |     |
| 12-13-93 | 24 Defendant's <b>motion</b> to reinstate and/or <b>motion</b> to set bond. Referred to Magistrate Judge McPherson. (Oral argument requested.) <b>MOTION DENIED 12/15/93</b> (Copies furnished to USA, PTSO; mailed to counsel.)   |                     |     |     |     |
| 12-14-93 | 25 Defendant's requested jury charges (1-7). Referred to Judge DeMent.   |                     |     |     |     |
| 12-14-93 | 26 Defendant's requested voir dire questions. Referred to Judge DeMent.  |                     |     |     |     |

Interval  
(per Section II)Start Date  
End DateLtr. Total  
Code Days

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CRIMINAL DOCKET**

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| DATE     | PROCEEDINGS (continued)<br>(Document No.)  | V. EXCLUDABLE DELAY |                    |     |     |
|----------|--|---------------------|--------------------|-----|-----|
|          |  | (a)                 | (b)                | (c) | (d) |
| 12-14-93 | 27 CJA 20 voucher for Hon. Allen R. Stoner approved by Judge DeMent in the amount of \$134.00 and processed for payment.   |                     |                    |     |     |
| 12-17-93 | 28 Government's <b>response</b> to motion to suppress. Referred to Judge DeMent.   |                     |                    |     |     |
| 12-29-93 | 29 <b>ORDER</b> denying defendant's motion to suppress. Copies furnished to USA, PTSO; mailed to counsel.)   |                     |                    |     |     |
| 12-30-93 | 30 <b>Motion</b> of Keith Ausborn to withdraw as counsel for defendant. Referred to Judge DeMent. <b>GRANTED 1/5/94</b>  | 2                   | 12-30-93<br>1-5-94 | E   | 7   |
| 1-4-94   | 31 <b>ORDER</b> setting motion of Keith Ausborn to withdraw for hearing on 1/5/93 at 10 a.m., first floor courtroom; directing the U.S. Marshal to have the defendant present. (Copies furnished to USA, PO, PTSO, USM, Curtis, Marie; mailed to counsel who was advised by telephone of this setting.)                        |                     |                    |     |     |
| 1-5-94   | <b>Hearing</b> on Attorney Ausborn's motion to withdraw held before Judge DeMent.  |                     |                    |     |     |
| 1-5-94   | 32 Courtroom deputy's minutes of 1-5-94 hearing. (Attorney Ausborn's motion to withdraw granted; attorney Allen R. Stoner reappointed to represent defendant in all further proceedings.)  |                     |                    |     |     |
| 1-5-94   | 33 CJA 20 order/voucher reappointing Hon. Allen R. Stoner as counsel for defendant.)   |                     |                    |     |     |
| 1-5-94   | 34 <b>ORDER</b> granting motion to withdraw of attorney Ausborn; reappointing Hon. Allen R. Stoner to represent defendant in further proceedings in this case; DIRECTING the clerk to prepare the necessary CJA forms. (Copies furnished to USA, PO, PTSO, USM w/copy for deft.; mailed to Keith Ausborn and Allen R. Stoner.) |                     |                    |     |     |
| 1-7-94   | 35 Government's <b>motion</b> for leave to dismiss Counts 1 and 2 of the indictment. Referred to Judge DeMent. <b>ORDER</b> granting leave; Counts 1 & 2 dismissed. (Copies furnished to USA, PO, PTSO, USM w/copy for deft.; mailed to counsel.) EOD 1/7/94.  | 2                   | 1-7-94<br>1-7-94   | E   | 1   |
| 1-19-94  | 36 Defendant's requested <b>jury instructions</b> (Nos. 1-12). Referred to Judge DeMent.   |                     |                    |     |     |
| 1-20-94  | 37 Government's requested jury instructions (1-17). Referred to Judge DeMent.  |                     |                    |     |     |
| 1-20-94  | 38 Government's Requested Voir Dire Questions (1-22.) Referred to Judge DeMent.  |                     |                    |     |     |

**Interval  
(per Section 11)**

Start Date  
End Date

| Ltr. | Total |
|------|-------|
| Code | Days  |

UNITED STATES DISTRICT COURT  
CRIMINAL DOCKET U. S. vs

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| DATE     | PROCEEDINGS (continued)<br>(Document No.)  | V. EXCLUDABLE DELAY |                    |     |     |
|----------|--|---------------------|--------------------|-----|-----|
|          |  | (a)                 | (b)                | (c) | (d) |
| 1-20-94  | 39 Information to establish prior convictions filed. (Case Action Summary from Circuit Court, Montgomery County attached.) Referred to Judge DeMent. (Copy furn. to PO & PTSO.)  |                     |                    |     |     |
| 1-21-94  | 40 Defendant's motion to suppress seized evidence. Referred to Judge DeMent. (Denied 1/27/94 in open court.)   | 2                   | 1-21-94<br>1-27-94 | E   | 7   |
| *        |  |                     |                    |     |     |
| 1-27-94  | 41 Government's response to motion to suppress. Referred to Judge DeMent.  |                     |                    |     |     |
| *1-24-94 | Voir Dire began; jury selected and sworn; trial to commence 1/27/94 at 9:00 a.m.   |                     |                    |     |     |
| 1-27-94  | SUPPRESSION HEARING before Judge DeMent.   |                     |                    |     |     |
| 1-27-94  | CHANGE OF PLEA. Defendant appeared in Court through counsel, Hon. Allen R. Stoner, before Judge DeMent, and withdrew his plea of not guilty after the motion to suppress was denied and entered a plea of guilty to Counts 3 & 4. Count 5 was dismissed on the oral motion of the U.S. Attorney. Count 4 conviction set aside per 4/12/00 order.   |                     |                    |     |     |
| 1-27-94  | 42 ORDER setting sentencing for 4/12/94 at 9:00 a.m., Montgomery, AL.; that any objections to the presentence report shall be made in writing to the probation office on or before 3/18/94; scheduling a conference by telephone, unless a personal conference is requested, for 3/22/94 at 9:00 a.m. (Copies furnished to USA, PO, PTSO, USM, defendant; mailed to counsel.)  |                     |                    |     |     |
| 1-27-94  | 43 Courtroom deputy's minutes of jury selection; suppression hearing and change of plea with witness and exhibit list attached. (1-27-94 Defendant's motion to suppress denied; exhibits to suppression hearing with court file in separate envelope; when defendant was addressed by the Court as to the information that was filed by the U.S. Attorney the defendant affirmed that he had a prior felony conviction.) |                     |                    |     |     |
| 1-27-94  | 44 PLEA AGREEMENT. Sealed per 1/28/order & placed in vault   |                     |                    |     |     |
| 1-27-94  | 45 Government's motion to seal plea agreement. Referred to Judge DeMent. MOTION GRANTED 1/28/94. (Copies furn. USA; mailed to counsel.)  |                     |                    |     |     |
| 3-14-94  | 46 SENTENCING NOTICE. (4/12/94 at 9:00 a.m., first floor courtroom, Montgomery, AL.)   |                     |                    |     |     |
| 3-18-94  | 47 Defendant's motion to withdraw plea of guilty. Referred to Judge DeMent. WITHDRAWN 3-30-94.   |                     |                    |     |     |

UNITED STATES DISTRICT COURT  
CRIMINAL DOCKET

MARCUS CERVANTES KNIGHT

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| DATE         | PROCEEDINGS (continued)  | V. EXCLUDABLE DELAY |     |     |     |
|--------------|--|---------------------|-----|-----|-----|
|              |  | (a)                 | (b) | (c) | (d) |
|              | (Document No.)   |                     |     |     |     |
| 3-18-94      | 48 Motion of Attorney Allen R. Stoner to withdraw as counsel for defendant. Referred to Judge DeMent. WITHDRAWN 3-30-94.   |                     |     |     |     |
| 3-21-94      | 49 ORDER that the United States show cause, if any there be, no later than 3/29/94 why defendant's motion to withdraw plea of guilty should not be granted. (Copies furnished to USA, PTSO; mailed to counsel.)  |                     |     |     |     |
| 3-21-94 / 50 | ORDER setting Allen R. Stoner's 3/18/94 motion to withdraw as court-appointed counsel for hearing on 3/28/94 at 10:00 A.M. in chambers, Montgomery, AL; directing the U.S. Marshal to produce the defendant at said time and place. (Copies furnished to USA, PO, PTSO, USM, Marie; mailed to counsel.)  |                     |     |     |     |
| 3-23-94      | 51 Government's response to motion to withdraw plea of guilty. Referred to Judge DeMent.   |                     |     |     |     |
| 3-24-94      | 52 ORDER resetting the hearing on Allen R. Stoner's motion to withdraw as court appointed counsel to 3/30/94 at 10:00 A.M., first floor courtroom, Montgomery, AL; DIRECTING the U.S. Marshal to produce the defendant at said time and place. (Copies furnished to USA, PO, PTSO, USM, Marie; mailed to counsel.)   |                     |     |     |     |
| 3-24-94      | Courtreporter's (James R. Dickens) transcript of 1/27/94 change of plea. Referred to Judge DeMent.   |                     |     |     |     |
| 3-30-94      | Hearing on defendant's motion to withdraw guilty plea and Atty. Stoner's motion to withdraw as counsel.  |                     |     |     |     |
| 3-30-94      | 53 Courtroom deputy's minutes of hearing 3-30-94 and exhibit list. [DEFENDANT'S EXHIBITS WITH COURT FILE.] Deft.'s motion to withdraw his guilty plea was WITHDRAWN 3-30-94; Atty. Stoner's motion to withdraw as counsel for deft. was WITHDRAWN 3-30-94.   |                     |     |     |     |
| 4-12-94      | Sentencing before Judge DeMent.  |                     |     |     |     |
| 4-12-94      | 54 ORDER that the presentence report in this cause be filed with the Clerk wherein it shall be placed under SEAL; that if an appeal is taken, the presentence report shall be transmitted under seal to the appellate court; that upon written application to the Clerk of this Court, counsel for the defendant and for the government may examine the presentence investigation report or obtain a copy thereof, provided that counsel agrees not to duplicate the report or disclose the contents thereof to any person other than to the members of their staffs who have a need to know such contents and to the defendant. (Copies furnished to USA, PO; mailed to counsel.) |                     |     |     |     |

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| DATE     | PROCEEDINGS (continued)<br>(Document No.)  | V. EXCLUDABLE |     |
|----------|--|---------------|-----|
|          |  | (a)           | (b) |
| 4-12-94  | 55 Presentence Report. (Sealed and placed in the vault.)   |               |     |
| 4-22-94  | 56 <b>JUDGMENT &amp; COMMITMENT:</b> Defendant pleaded guilty to counts 3 and 4. Counts 1,2 and 5 were dismissed on the government's motion. It is Ordered that defendant shall pay to the Clerk of the court, a special assessment of \$100 for counts 3 and 4, which shall be due immediately. Defendant is hereby committed to the custody of the U. S. BOP to be imprisoned for a term of 300 months. This term consists of 240 months on count 3 and 60 months on count 4 to be served consecutively to the term on count 3. Defendant is to stand committed for service of this sentence this date. Upon release from imprisonment, defendant shall be on supervised release for a term of ten(10) years. This term consists of 10 years on 3 and term of 3 years on count 4, all such terms to run concurrently. While on supervised release, defendant shall not commit another federal, state or local crime; shall comply with the standard conditions that have been adopted by this court; and shall comply with the following additional conditions: (1) that defendant shall report in person to the probation office in the district to which defendant is released within 72 hours of release from custody. (2) that if a special assessment, fine, etc., is imposed it shall be a condition of supervised release. (3) that defendant shall not own or possess a firearm or destructive device. (4) that defendant shall submit to a drug test when ordered to do so by a probation officer. The fine is waived and no restitution is ordered. The sentence is within the guideline range. The sentence is imposed at 300 months which consists of 240 months on Count 3 and 60 months on count 4 to be served consecutively because of defendant's substantial prior record, continued disregard for the law and to protect the public from further crimes of the defendant. EOD: 4/25/94. (Copies mailed to counsel; defendant; furnished: USA, USM, USPO). Sentence on Count 4 set aside per 4/12/00 order |               |     |
| 7-26-94  | 57 Defendant's motion for copy of suppression hearing transcript at no cost. (w/attached application for IFP). Referred to Judge DeMent. DENIED 7-29-94.   |               |     |
| 7-29-94  | 58 ORDER denying defendant's application to proceed in forma pauperis and motion for transcript. (Copies mailed to defendant and counsel; furnished USA,USM, USPTS,USPO.) EOD 7-29-94.   |               |     |
| 8-17-94  | Received \$25.00 partial assessment fee through BOP.   |               |     |
| 10-21-94 | Received \$25.00 partial assessment fee through BOP.   |               |     |

UNITED STATES DISTRICT COURT  
CRIMINAL DOCKET

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| DATE    | PROCEEDINGS (continued)<br><br>(Document No.)  | V. EXCLUDABLE DELAY |     |     |     |
|---------|--|---------------------|-----|-----|-----|
|         |  | (a)                 | (b) | (c) | (d) |
| 9-14-94 | 59 CJA 20 voucher for Hon. Allen R. Stoner approved by Judge DeMent in the amount of \$1,944.00 and processed for payment.   |                     |     |     |     |
| 1-19-95 | Received \$25.00 partial assessment fee through BOP.   |                     |     |     |     |
| 4-14-95 | Received \$25.00 partial assessment fee through BOP.   |                     |     |     |     |
| 5-2-95  | 60 Government's satisfaction of judgment. Copy furn. USA.  |                     |     |     |     |
| 4-17-97 | 61 Petitioner's <b>motion</b> to Vacate, set aside or correct sentence by a person in federal custody pursuant to 28 U.S.C. § 2255. Referred to Magistrate Judge McPherson/law clerk.  |                     |     |     |     |
| 4-17-97 | 62 Petitioner's <b>memorandum</b> of law in support of his Motion to vacate, set aside or correct sentence by a person in Federal custody pursuant to 28 U.S.C. § 2255. Referred to Magistrate Judge McPherson/law clerk.  |                     |     |     |     |
| 4-17-97 | 63 Petitioner's <b>motion</b> requesting leave of court to supplement timely filed 28 U.S.C. § 2255 and requests court delay ruling on the motion until motion may be supplemented. Referred to Magistrate Judge McPherson/law clerk.  |                     |     |     |     |
| 4-21-97 | 64 Petitioner's <b>motion</b> to compel court reporter to provide transcript. Referred to Magistrate Judge McPherson/law clerk.  |                     |     |     |     |
| 4-29-97 | 65 Magistrate Judge McPherson's <b>ORDER</b> that the Clerk is directed to serve a copy of the §2255 motion upon the U. S. Attorney for the Middle District of Alabama; that the U. S. Attorney is Ordered to file an answer within 20 days from the date of this Order. (Copy mailed to: Petitioner; Susan James, Counsel; furnished to: USA, USM, USPO; Ridge) (Copy of Motion and Memo furnished to: USA with Order). |                     |     |     |     |
| 5-19-97 | 66 Government's <b>response</b> to Motion to vacate, set aside or correct sentence pursuant to 28 U.S.C. § 2255. Referred to Magistrate Judge McPherson.   |                     |     |     |     |
| 5-22-97 | 67 <b>ORDER</b> granting defendant's 4/21/97 motion to compel court reporter to provide transcript; that subject to financial arrangements being made by the defendant, the court reporter, Denise Gordon, is to furnish the defendant with a copy of the transcript by the close of business on 5/30/97.  |                     |     |     |     |
| 5-29-97 | 68 Defendant's <b>motion</b> for leave of court to extend time for response to government's response to motion to vacate, set aside, or correct sentence. Referred to Magistrate Judge McPherson.  |                     |     |     |     |

Interval  
(per Section II)Start Date  
End DateLtr  
Code Total  
Days

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CRIMINAL DOCKET U. S. vs

KNIGHT, MARCUS CERVANTES

93-003

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| DATE    | PROCEEDINGS (continued)<br>(Document No.)  | V. EXCLUDAE<br>(a) (b) |
|---------|--|------------------------|
|         |  |                        |
| 5-30-97 | Court reporter's (Denise Gordon) TRANSCRIPT OF 3/30/94 in camera proceedings on motion to withdraw guilty plea and request to withdraw court-appointed representation.   |                        |
| 5-30-97 | 67 Magistrate Judge McPherson's ORDER that petitioner may file a response on or before 6/24/97 to the answer filed by the respondents. (Copies furnished TO USA, MAILED TO Susan James)  |                        |
| 6-4-97  | 70 Magistrate Judge McPherson's ORDER granting defendant's motion requesting leave of court to supplement filed on 4/17/97 and denying defendant's motion for leave of court to extend time filed on 5/29/97; that the defendant file his supplementation to his 28 USC §2255 motion in accordance with the court's order of 5/30/97. (Copies of furn. to USA; mailed to Susan James.)   |                        |
| 6-24-97 | 71 Petitioner's <b>supplement</b> to his Motion filed pursuant to 28 U.S.C. [ 2255 - Memorandum of law. (with attachments). Referred to Magistrate Judge McPherson.  |                        |
| 3-20-00 | 72 Magistrate Judge McPherson's RECOMMENDATION that 1.) Defendant's motion to vacate, set aside, or correct his sentence on the firearms charge, brought pursuant to 18 USC § 924 be GRANTED; 2.) that defendant's motion to vacate on the drug charge be DENIED.; and ORDER directing parties to file any objections to the Recommendation within 13 days. (Copies furnished to USA; mailed to counsel.) EOD 3/22/00 <b>VACATED 3/28/00</b> |                        |
| 3-27-00 | 73 Defendant's objections to the magistrate's Report and Recommendation. Referred to Mag. Judge McPherson.   |                        |
| 3-28-00 | 74 Magistrate Judge McPherson's ORDER VACATING RECOMMENDATION entered 3/20/00. (Copies furn. to USA, PTSO; mailed to counsel.  |                        |
| 3-28-00 | 75 Magistrate Judge McPherson's RECOMMENDATION 1. that defendant's motion to vacate, set aside or correct his sentence on the firearms charge brought pursuant to 18 USC §924(c) be granted; 2.) that defendant motion to vacate, set aside, or correct his sentence on the drug charge be DENIED.; and ORDER that objections to the recommendation are to be filed within 13 days. (Copies furn. to USA, PO; mailed to counsel.)            |                        |
| 3-30-00 | 76 Defendant's objections to the Magistrate's revised Report and Recommendation. Referred to Magistrate Judge McPherson  |                        |

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CRIMINAL DOCKET

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| DATE    | (Document No.) | PROCEEDINGS (continued)  | V. EXCLUDABLE DELAY |     |     |     |
|---------|----------------|--|---------------------|-----|-----|-----|
|         |                |  | (a)                 | (b) | (c) | (d) |
| 4-12-00 | 77             | ORDER 1. adopting, approving and affirming the Recommendation of the Magistrate Judge; 2. granting in part and denying in part defendant's motion to vacate as follows: (a) defendant's motion to vacate his judgment of conviction and sentence on count 4 under 18 USC § 924(c) is GRANTED and defendant's judgment of conviction and sentence on Count 4 is VACATED and SET ASIDE; (b) in all other respects, defendant's motion is denied and (c) defendant's objections are OVERRULED; 3. Defendant's judgment of conviction and sentence on count 3 shall remain in full force and effect. EDO 4/12/00. (copies furnished to USA, PO, PTSO, USM, civil clerk; BOP, mailed to counsel, defendant, Warden FCI, Talladega.) |                     |     |     |     |
| 5-18-00 | 78             | Marshal's return on 4/12/00 order executed on 5/19/94 by delivering defendant to the FCI, Talladega.   |                     |     |     |     |
| 6-9-00  | 78             | <b>Notice of Appeal</b> by Marcus Cervantes Knight to the U.S. Court of Appeals, Eleventh Cir., from the judgment and conviction vacated on April 12, 2000. (Copies mailed to Susan G. James, Esq., with transcript order information form, R. Randolph Neeley, AUSA, & Certified copy to USCA, with copy of order appealed from and docket entries.) \$105.00 Receipt #82351.   |                     |     |     |     |
| 6-12-00 |                | Notice of Appeal docketed & transmitted:<br>Re: [78-1] appeal.   |                     |     |     |     |
| 6-12-00 | 79             | <b>Defendant's Application for Certificate of Appealability.</b> referred to Judge DeMent.   |                     |     |     |     |
| 6-14-00 | 80             | <b>ORDER</b> denying [79-1] Application for a certificate of Appealability. (Copies mailed to Counsel, Defendant, USCA, 11th Cir.; Furn: USA, USPO.)   |                     |     |     |     |
| 6-22-00 |                | USCA CASE #00-13095-C; Re: [78-1] appeal.  |                     |     |     |     |

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U. S. vs

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NORTHERN DIV.

93-00313-01

Yr.

Docket No.

Def.

| DATE<br>(Document No.) | PROCEEDINGS (continued)  | Pl0 | V. EXCLUDABLE DELAY |     |     |     |
|------------------------|--|-----|---------------------|-----|-----|-----|
|                        |  |     | (a)                 | (b) | (c) | (d) |
| 6-22-00                | Received request from USCA, 11th Circuit for OP's.   |     |                     |     |     |     |
| 6-23-00                | Entire Court File ( 1 volume original papers, 2 volumes transcripts, 2 envelopes exhibits) picked up by UPS for delivery to USCA, 11th Circuit at request of Pam Holloway.   |     |                     |     |     |     |
| 7/5/00                 | Received acknowledgement of receipt of the record of original papers from USCA, Eleventh Circuit.  |     |                     |     |     |     |
| 8-25-00                | 81 <b>ORDER</b> (rendered 8/24/2000, is issued in lieu of the mandate) of the U.S. Court of Appeals, Eleventh Circuit, DENYING Appellant's motion for a certificate of appealability because appellant has failed to make a substantial showing of the denial of a constitutional right, terminating [78-1] appeal. (Signed by U.S. Circuit Judge Gerald Bard Tjoflat) [00-13095-CC] |     |                     |     |     |     |
| 8-25-00                | Record on appeal returned by USCA, 11th Cir. [00-13095-CC]   |     |                     |     |     |     |